IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 10717 of 2004

Between:

S.Lingam, S/o Ramaiah, Occ: Secretary,
PACS, Kangl,Mirdoddi Mandal, Medak District.

... PETITIONER

AND

1 The Primary Agricultural Cooperative Society Ltd, Kangal, Mirdoddi

Mandal, Medak District, Rep.by its Chairman, Person-in-Charge Committee.
2 The Divisional Cooperative Officer, Siddipet, Medak District.
3 The District Cooperative Officer, Medak District, Sangareddy.
4 The General Manager, District Cooperative Central Bank Ltd,
Medak District at Sangareddy.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus- (i) declaring the action of the 1st respondent society in not paying salary to the petitioner since August, 1999 i.e., the date of suspension till the date of revocation of suspension i.e., 1-9-2003 as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and against the Judgment of this Hon'ble Court in W.P.No. 2978 of 2000 dated 4-8-2003; consequently (ii) direct the 1st respondent to pay salary to the petitioner from the date of suspension i.e., since August, 1999 till the date of reinstatement i.e.,
1-9-2003 and (iii) pass such other order or orders as the Hon'ble Court deems fit proper and appropriate in the circumstances of the case

Counsel for the Petitioner: MR.NANDIGAM KRISHANA RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following order:

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ORDER:

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Petitioner seeks a direction to the first respondent – primary agricultural cooperative society for the payment of salaries from August, 1999 i.e., the date of his suspension till the date of revocation of suspension i.e., 01.09.2003. It is stated that even the subsistence allowance has not been paid for the said period by the society.

I have a taken a view in WP.No.3171 of 2003 and batch dated 30.08.2004, that no writ lies against primary agricultural cooperative society by its employees as the functions of the society are not statutory in nature, amenable to the writ jurisdiction.

The writ petition is accordingly dismissed with a liberty to the petitioner to approach an appropriate forum for recovery of his wages/salaries within a period of one month from the date of receipt of a copy of this order. No costs.

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V. ESWARAIAH, J

November 5, 2004

Dsk

To

1 The Primary Agricultural Cooperative Society Ltd, Kangal, Mirdoddi

Mandal, Medak District, Rep.by its Chairman, Person-in-Charge Committee.
2 The Divisional Cooperative Officer, Siddipet, Medak District.
3 The District Cooperative Officer, Medak District, Sangareddy.

4 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.